

POLAR Broadcasting RECEIVED

JAN 21 1992

January 18, 1992

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

RE: REPLY COMMENTS DOCKET NO. 87-268

To: The Commission

Please find enclosed REPLY COMMENTS to Docket No. 87-268, from the following companies and individuals (as a single comment).

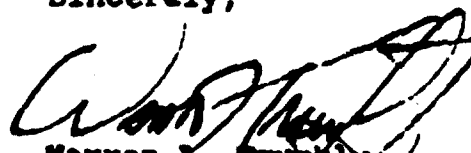
REPLY COMMENTS OF;

- | | |
|--|---|
| 1. POLAR BROADCASTING, INC. | PERMITTEE K08LC
ASSIGNEE K33DJ
ASSIGNEE K69FX
ASSIGNEE K30BI
LICENSEE K67FE
LICENSEE K22DD
PERMITTEE K36CS
APPLICANT FILE # 891208DN |
| 2. POLAR BROADCASTING OF ARIZONA, INC, | PERMITTEE K19 |
| 3. LINDA K. TRUMBLY | PERMITTEE K23
PERMITTEE K27
PERMITTEE K18DJ
PERMITTEE K57FK
PERMITTEE K20DC |
| 4. PENINSULA COMMUNICATIONS, INC. | APPLICANT FILE #880624VI |
| 5. KALEB C. TRUMBLY | LICENSEE K43CW
LICENSEE K32CL
LICENSEE K09VM
PERMITTEE K46CZ
PERMITTEE K38DD |
| 6. WARREN L. TRUMBLY | |
| 7. TED C. TUCKER | |
| 8. GARY M. KENNY | |
| 9. GARY M. KENNY & DEBORAH R. KENNY | |
| 10. PEGGY L. DAVIS & DEBORAH R. KENNY | |

Polar Broadcasting has prepared the attached COMMENTS on behalf of the corporation and individuals listed above, and submits the following as a unified response.

Nine copies of the COMMENTS have been supplied so each Commissioner may receive a personal copy.

Sincerely,



Warren L. Trumbly
President
Polar Broadcasting Int'l A B C D E

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RECEIVED

Before the
Federal Communications Commission
Washington, D.C. 20054

JAN 21 1992

Federal Communications Commission
Office of the Secretary

In the Matter of)
Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

January 18, 1992

REPLY COMMENTS of the following STATIONS:

POLAR BROADCASTING, INC.

PERMITTEE K08LC
ASSIGNEE K33DJ
ASSIGNEE K69FX
ASSIGNEE K30BI

POLAR BROADCASTING OF ARIZONA, INC,

LICENSEE K67FE

LINDA K. TRUMBLY

LICENSEE K22DD
PERMITTEE K36CS
APPLICANT FILE # 891208DN

PENINSULA COMMUNICATIONS, INC.

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APPLICANT FILE #880624YI

TED C. TUCKER

LICENSEE K43CW

GARY M. KENNY

LICENSEE K32CL

GARY M. KENNY & DEBORAH R. KENNY

LICENSEE K09VM
PERMITTEE K46CZ

PEGGY L. DAVIS & DEBORAH R. KENNY

PERMITTEE K38DD

Comments filed on behalf of the above Individuals and Corporations in the Matter of ATV. These Licensees, Permittees, Applicants, and Assignees represent 20 LPTV stations in California, Arizona, Texas, Missouri, and Oklahoma.

I. INTRODUCTION

1. Polar Broadcasting in an association with the above STATIONS is filing a combined reply comment in the matter of ATV. The purpose is to delivery a responses that reflects the opinions and interests of the Stations, and "our" current and FUTURE VIEWERS.

2. The above stations, will service to over six (6) million viewers in both rural and metropolitan areas of the United States. The stations offer community, ethnic and religious programs not available on full power stations in the area, for economic or other reasons.

3. The comments on Docket NO: 87-268 were positive, as anticipated. Many of the respondents are expect to financially benefit from the sale and manufacture of receiving equipment. We do commend those who considered the impact on the viewer, and recommended proceeding cautiously.

4. It may not be popular with the Commission, but note what Professor William F. Scheiber (MIT) accurately states in his comments "It should be recognized at the outset that HDTV has never been attractive to broadcasters, nor is there a grass-roots demand for better picture quality".

II. RESPONSES

5. Following are responses to the comments that were significant in the opinion of above stations. Comments are limited to those areas which are of greatest interest and will have the greatest impact to the station owners and operators.

RESPONSE TO: CHANNEL 13 TELEVISION INC.¹

6. This comment prepared by Mr. Lucio C. Ruzzier, Sr., President of Channel 13 Television Inc., in Hartford, Ct. touched the heart of the ATV issue for many LPTV stations.

7. Mr. Ruzzier's, scenario of "true" community service is repeated across the United States, in both rural and metropolitan markets. Loss of these stations would not only be economically devastating to the stations, but would be a social and cultural travesty in the community.

8. Many community and ethnic needs are NOT BEING SERVED BY FULL POWER STATIONS. Not to fault the station, but one full power station can not address every program and ethnic need in the community.

9. Low Power Television stations across the country are more adaptable to serving these special and unique audiences, every day all day long. Hundreds of LPTV stations are providing an invaluable service to their community, like Channel 13 is doing.

10. We SUPPORT the comments of Channel 13 Inc., the Commission should "make every effort to protect LPTV stations from displacement by ATV operations". It would be unconscionable in the public's eye if the Commission did not accommodate LPTV and translators.

¹Comments "Channel 13 Television Inc." Docket No:87-268

RESPONSE TO: REPLY COMMENTS OF ISLAND BROADCASTING CO.'

11. Island Broadcasting Co.(Island), is another one of the hundred of examples providing a unique service through LPTV. "Island urges that in this proceeding the Commission should treat Island's three LPTV stations as representative models of LPTV's significant public interest role and importance in television broadcasting in major metropolitan areas." WE AGREE.

12. LPTV's secondary status is being bantered about by the industry. All new full power construction permits have similar requirements of non-interference to other stations and services. LPTV stations are engineered (designed) into an area on a non-conflicting basis, to avoid conflict LPTV was given a secondary interference status. This is quite different than what is being proposed by the Commission.

13. We agree with Island, "However, in making its public interest, engineering, and financial decisions, neither Island nor other LPTV licensees anticipated that the Commission might introduce a completely new set of "Secondary status" ground rules in this proceeding -- requiring an additional level of protection for ATV channels -- which, depending on how the Commission allots and assigns these ATV channels -- could destroy LPTV operations in major metropolitan areas like New York."

14. We also agree that, "(...Nor did the viewers of Island's and other LPTV station, who are already indicating their concern over losing their only practical TV outlet, anticipate that any new broadcast technology, such as ATV, might be introduced without taking the greatest care to preserve existing and proven LPTV programming services."

15. We support Island's urging of the Commission to minimize LPTV displacement. "...full power stations should perform engineering studies... to demonstrate that its proposal clears all taboos and does not displace any licensed LPTV station unless provably necessary."

**RESPONSE TO: COMMENTS OF "IEA/ECG" AND
WESTINGHOUSE BROADCASTING"**

16. Both organizations recognized that cable systems must also make the conversion to ATV. Cables conversion should preferably be at the beginning of the transition period, if ATV programming is to quickly and successfully be presented to the American viewing public.

17. The National Cable Television Association, Inc., stated in their comment's, 60% of the American households receive their broadcast signals via cable.³ This is significant, we therefore, request that the Commission mandate an increase in capacity for both NTSC and ATV over the air signals on cable, with must-carry for both NTSC and HDTV.

18. The hardship on cable operators will vary, as it will on broadcaster's who will have to build a second facility and have a dual operation. Simultaneous conversion of broadcast and cable to ATV is the only logical way to implement the new service.

³ELECTRONIC INDUSTRIES ASSOCIATION ("EIA/CEG")

⁴WESTINGHOUSE BROADCASTING COMPANY, INC. (GROUP W)

⁵THE NATIONAL CABLE TELEVISION ASSOCIATION, INC. FILED COMMENTS WITH THE COMMISSION ON DOCKET NO. 87-268 (DEC. 20, 1991)

19. The "EIA/CEG", in addressing Spectrum Issues (comments paragraph C.), erred in their assumption that LPTV would impede ATV programming. This is a FALSE ASSUMPTION!! If the "EIA" understood Broadcasting, and specifically "Translators and LPTV", they would easily see LPTV's ability to operate at a lower cost could be significant in initially providing early ATV service. LPTV can quickly adapt to rebroadcast a satellite-fed ATV signal, opening the marketplace by establishing initial viewership of ATV. With LPTV, viewership would be stimulated.

20. LPTV has proven itself, with nearly one thousand operating stations. During the past five years, five full time LPTV programming networks⁴ have developed. During the same period, just one full-power/part-time network was initiated, FOX.

21. INCUMBENT BROADCASTERS provide service to their community in various forms, including translators and LPTV. LPTV is the only local service in many areas, and in metropolitan areas it is often the only minority program service available.

⁴ Channel America, Family Net, Home Shopping Spree, Value Vision, Video Juke Box, and BE-TV.

SUMMARY

22. The use of LPTV in implementing ATV is consistent with the COMMISSION'S objective of quick introduction of the new technology. Translators and LPTV stations must be protected from indiscriminate displacement or shut down to avoid disruption of viewers, and assist in the smooth transfer from NTSC to ATV.

23. The LPTV licensee "~~MERITS~~" protection consideration from displacement and the opportunity to file for an ATV channel (LPATV). Based upon previous performance as a licensee, this would be consistent with case law.'

24. There should be room for every NTSC licensee to receive an ATV channel and room for translators and LPTV, by using the current NTSC "Taboo" frequencies.' The assignment of ATV channels from the "Taboo" list will prevent any purposeful displacement of LPTV, as a competitive issue, which could be considered "constitutionally" a restraint of trade and monopolistic in eliminating a competitor.

25. Translators and Low Power Television stations, have progressed in the delivery of programming on over one thousand stations. These stations have become a significant part of America's viewing habit.

**SUBMITTED ON BEHALF OF THE
STATIONS LISTED ABOVE**

' This is consistent with the COMMISSIONS authority as noted in paragraph 7 of Docket 87-268 (footnotes 13, 14, 15, 16, 17, 18, 19, and 20) in establishing threshold standards that limit eligibility to a class of one.

*POLAR BROADCASTING INC., COMMENTS ON DOCKET 87-268, OUTLINE OF "TABOO" CHANNEL SPACING (PARAGRAPH 21 THROUGH 23)